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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/903,395	07/29/97	KOSLOW	E 861-001-9-1

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EXAMINER

LEE, K

ART UNIT

PAPER NUMBER

1317

DATE MAILED: 02/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/903395

Applicant(s)

Koslow et al

Examiner

C. Lam

Group Art Unit

1317

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-25 is/are pending in the application.
- Of the above claim(s) 1-15 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 16-25 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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Specification

On page 2 line 5 of the specification, the term "sy" is believed as an error, correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Smith (USPN 5328450).

Smith teaches an absorbent device comprising of an absorbent layer, a carrier layer and a cover layer.

The absorbent layer is comprising of a thermoplastic material such as an ethylene vinyl acetate copolymer, a filler material and an antibacterial agent such as a polyvinyl pyrrolidone-iodine (col 4 L 38-40, L55-56 and col 7 L 32).

The carrier layer and the cover layer are analogous to the substrate webs.

3. Claims 18-19 and 24-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Korpman (USPN 5462538).

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Korpman teaches an absorbent product comprising of an absorbent layer, a backing layer and a facing material.

The absorbent layer is comprising of a plastic polymer microfiber, fillers, and an absorbent powder. The plastic polymer microfiber is a thermoplastic material such as an ethylene vinyl acetate, and the fillers can be carbon (col 2 L 48, col 8 L 12 and col 10 L 3-4).

4. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Karami (USPN 4055184).

Karami teaches an absorbent pad comprising of an absorbent layer, a backing sheet (12) and a facing layer (10).

The absorbent layer is comprising of a finely divided mixture of a thermoplastic polymer such as a grafted hydrolyzed polyacrylonitrile and a solid basic material such as a sodium bicarbonate (col 2 L 20-23).

5. Claims 22-23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nishizawa et al (USPN 4626252).

Nishizawa teaches a disposable diaper comprising of a backing sheet(1), an absorbent layer (2) and a liquid permeable sheet (3).

The absorbent layer is comprising of a thermoplastic resin and a filler material. The filler material can be a magnesium oxide (col 1 L65-66).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cathy Lam whose telephone number is (703) 308-2418.



cc: cfl;

February 17, 1998